UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/732,812	12/08/2000	Marianna Tessel	M-9906 US	3537

		EXAMINER
7590	04/28/2005	JACKSON, JAKIEDA R

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ART UNIT	PAPER NUMBER
2655	

DATE MAILED: 04/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-35</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-35</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>20 December 2001</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Claim Objections

1.   Applicant is advised that should claim 15 be found allowable, claim 21 will be

objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two

claims in an application are duplicates or else are so close in content that they both

cover the same thing, despite a slight difference in wording, it is proper after allowing

one claim to object to the other as being a substantial duplicate of the allowed claim.

See MPEP § 706.03 (k).

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3.   **Claims 1-7 and 9-35** are rejected under 35 U.S.C. 102(e) as being anticipated

by Marques et al. (U.S. Publication No. 2002/0010736), hereinafter referenced as

Marques.

Regarding **claim 1**, Marques discloses a method of processing requests for information from an information network using a distributed computer system (figure 1 and 2) with voice recognition and audio feedback capability (figure 3), wherein the computer system includes a media server (figure 5, element 30), a dialog engine (figure 5, element 42), and a plurality of channels (voice phone etc.; figure 5, elements 38, 46, 44 etc.) coupled between the media server and the dialog engine for transmitting information between the media server and the dialog engine (figure 5), the method comprising:

receiving user input and information regarding a user in the media server via a telephony subsystem (column 1, paragraphs 0012-0013 and column 3, paragraph 0038);

recognizing a voice command in the user input (voice formats; column 3, paragraphs 0038 and 0042 with column 4, paragraphs 0053 and 0058);

requesting a dialog engine (column 4, paragraph 0046);

transmitting the recognized command to the dialog engine (process commands; column 3, paragraph 0038 with transmitting voice over communications network; column 3, paragraph 0044);

retrieving the requested information from the information network via the dialog engine (column 4, paragraph 0046);

sharing the retrieved information between the dialog engine and the media server (calls are routed; column 3, paragraph 0044);

converting the information text to speech format when the retrieved arrives from

the information network in text format (speech from text; column 4, paragraphs 0049-

0050); and

issuing a prompt to play the information to the user via the telephony subsystem

(hears the option menu; column 4, paragraph 0059).

Regarding **claim 2**, Marques discloses the method further comprising:

instantiating a session object in the media server (can initiate simultaneous calls;

column 1, paragraph 0017), wherein the session object is operable to:

place another call (place phone calls; column 3, paragraph 0044 and column 4,

paragraphs 0055-0057 and 0059);

cancel a call (cancel the connection; column 3, paragraph 0045 with call

discarded; column 4, paragraph 0057);

drop one or more calls in the session (call termination; column 2, paragraphs

0030 and 0033);

transfer a call (forwarded call; column 5, paragraphs 0063-0064);

append the prompt (create and update the data files; column 3, paragraph 0041

with update tasks and lists; column 4, paragraph 0057);

play accumulated prompts (hears the menus; column 4, paragraph 0059);

initiate voice recognition (column 4, paragraph 0053).

Regarding **claim 3**, Marques discloses the method further comprising:

instantiating a session object in the media server, wherein the session object is

operable to create:

a Play Media Channel (hears the voice; column 4, paragraph 0059);

a Record Media Channel (create a message; figure 3 with recording voice;

column 4, paragraphs 0049 and 0053);

a Speech Channel (column 4, paragraph 0053);

a Text-to-speech Channel (speech from text; column 4, paragraphs 0049-0050);

and

a Telephony Channel (figure 5, element 30 with internet telephony; column 1,

paragraphs 0012-0013).

Regarding **claim 4**, Marques discloses the method further comprising:

allocating a client for the session (schedule calls and tasks; column 4, paragraph

0057).

Regarding **claim 5**, Marques discloses the method further comprising:

receiving instructions in the form of Voice XML commands in the dialog engine

from the information network (internet telephony; column 1, paragraphs 0012-0013 and

voice over the internet; column 1-2, paragraphs 0019 and 0021 with HTML; figure 3).

Regarding **claim 6**, Marques discloses the method further comprising:

interpreting the commands and forwarding the information to the media server for

execution (interaction system; column 4, paragraph 0053).

Regarding **claim 7**, Marques discloses the method wherein the computer system

includes a plurality of dialog engines and a plurality of media servers (several servers,

networks and clients (column 5, paragraph 0066), further comprising:

creating a broker (column 5, paragraph 0066);

distributing the processing load across the dialog engines (column 5, paragraphs

0069-0070 and 0076-0080 with column 6, paragraph 0096).

Regarding **claim 9**, Marques discloses the method further comprising:

transmitting an append prompt request from the media server to the dialog

engine (column 6, paragraph 0099).

Regarding **claims 10 and 27**, Marques discloses a system and computer

program product for processing voice requests from a user for accessing information on

a computerized network and delivering information from a script server and an audio

server in the network in audio format, comprising:

a voice user interface subsystem including;

a dialog engine, wherein the dialog engine is operable to interpret

requests from users from the user input, communicate the requests to the script

server and the audio server, and receive information from the script server and

the audio server (figure 5 with column 4, paragraph 0053);

a media telephony services (MTS) server, wherein the MTS server is

operable to receive user input via a telephony system, and to transfer at least a

portion of the user input to the dialog engine (figure 5 with column 1, paragraphs

0012-0013 and column 4, paragraph); and

a broker coupled between the dialog engine and the MTS server, wherein

the broker is operable to establish a session between the MTS server and the

dialog engine (column 5, paragraph 0066).

Regarding **claims 11 and 29**, Marques discloses a system and computer program product wherein the broker is further operable to distribute a processing load across two or more of the dialog engines (column 5, paragraph 0066).

Regarding **claims 12 and 28**, Marques discloses a system and computer program product wherein the dialog engine handles a plurality of sessions (can initiate simultaneous calls; column 1, paragraph 0017) with one or more of the MTS servers (column 5, paragraph 0066).

Regarding **claims 13 and 30**, Marques discloses a system and computer program product wherein the information from the script server is transmitted in voice extensible markup language scripts (internet telephony; column 1, paragraphs 0012-0013 and voice over the internet; column 1-2, paragraphs 0019 and 0021 with HTML; figure 3).

Regarding **claim 14**, Marques discloses a system and computer program product wherein the information from the audio distribution server is transmitted in audio file format (column 3, paragraphs 0038 and 0042 and paragraphs 0053 and 0058).

Regarding **claims 15 and 31**, Marques discloses a system and computer program product wherein the MTS server includes a text to speech service provider (speech from text; column 4, paragraphs 0049-0050).

Regarding **claims 16 and 32**, Marques discloses a system and computer program product wherein the MTS server includes a telephony service provider (column 1, paragraphs 0012-0013 and column 3, paragraph 0038).

Regarding **claim 17**, Marques discloses a system and computer program product further comprising a telephony channel coupled between the telephony service provider and the dialog engine (figure 5).

Regarding **claims 18 and 33**, Marques discloses a system and computer program product wherein the MTS server includes a media service provider (figure 5, element 30).

Regarding **claim 19**, Marques discloses a system and computer program product further comprising a play media channel coupled between the media service provider and the dialog engine (figure 5 with figure 4 and column 4, paragraph 0059)).

Regarding **claim 20**, Marques discloses a system and computer program product further comprising a record media channel coupled between the media service provider and the dialog engine (figure 5 with figures 3-4 and column 4, paragraphs 0049 and 0053).

Regarding **claim 22**, Marques discloses a system and computer program product further comprising a text to speech channel coupled between the text to speech service provider and the dialog engine (figures 3 and 4 with column 4, paragraphs 0049-0050).

Regarding **claim 23**, Marques discloses a system and computer program product wherein the MTS server includes a speech recognition service provider (figure 5, element 45 with column 4, paragraph 0053).

Regarding **claim 24**, Marques discloses a system and computer program product further comprising a speech channel coupled between the speech recognition service provider and the dialog engine (figure 5 with column 4, paragraph 0053).

Regarding **claims 25 and 34**, Marques discloses a system and computer

program product wherein the speech recognition service provider includes a grammar

list, and the speech recognition service provider identifies key words in the user input

according to the grammar list (utters simple phrases that have a verb and object

identification; column 4, paragraph 0058).

Regarding **claims 26 and 35**, Marques discloses a system and computer

program product wherein the speech recognition service provider is operable to transmit

recognized commands to the dialog engine (column 4, paragraphs 0046 and 0053), and

the dialog engine is operable to control output of the scripts to the user based on the

user's input (column 1, paragraphs 0012-0013 and column 3, paragraph 0038).

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5.   **Claim 8** is rejected under 35 U.S.C. 103(a) as being unpatentable over Marques

in view of Mortl (U.S. Publication No. 2002/0019828).

Regarding **claim 8**, Marques discloses a method of processing request for

information from an information network using distributed computer system with voice

recognition and audio feedback capability, but does not specifically disclose validating the user information and transmitting a prompt to continue the session once the user information has been validated.

Mortl discloses the method further comprising:

validating the user information (user is validated; column 4-5, paragraph 0053); and

transmitting a prompt to continue the session once the user information has been validated (once permission is established, access is granted; column 5, paragraph 0056), whereby a level of permission is granted.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Marques's method such that it includes a validation process, to allow access to authorized personal information without requiring a computer user or guardian or other person in a supervisory position to specifically grant or deny permission to collect personal information each time a web site is accessed by a computer user. Also, it allows customization of what personal information is collected by various web sited and online services depending upon the type of web site and online service, what the web site operator online or online service intends to do with the personal information, etc. (column 4, paragraph 0046).

Conclusion

6.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

> Dugan et al. (USPN 6,363,411) disclose an intelligent network.

7.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jakieda R Jackson whose telephone number is 571.272.7619. The examiner can normally be reached on Monday through Friday from 7:30 a.m. to 5:00p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached on 571.272.7593. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JRJ
April 25, 2005

DAVID L. OMETZ
PRIMARY EXAMINER